

CSD 1001A [07/01/18]

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**UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA
 325 West F Street, San Diego, California 92101-6991

In Re

HYPERIKON, INC.,

Debtor.

BANKRUPTCY NO. 21-01776-LT7

Date of Hearing: June 10, 2021

Time of Hearing: 2:00 p.m.

Name of Judge: Hon. Laura S. Taylor

ORDER ON

**AMENDED EMERGENCY MOTION TO COMPEL PAYMENT UNDER 11 U.S.C. § 365(d)(3) OR, IN THE
 ALTERNATIVE, PROVIDE ADEQUATE PROTECTION UNDER § 363(e) [ECF No. 23]**

The court orders as set forth on the continuation pages attached and numbered 2 through 3 with exhibits, if any, for a total of 3 pages. Motion/Application Docket Entry No. 23 & 25.

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DATED: June 16, 2021

Judge, United States Bankruptcy Court

ORDER ON Emergency Motion to Compel Payment Under 11 U.S.C. § 365(d)(3) or, in the Alternative, Provide Adequate Protection under § 363(e)

DEBTOR: Hyperikon, Inc.

CASE NO: 21-01776-LT7

Upon the Emergency Motion to Compel Payment Under 11 U.S.C. § 365(d)(3) or, in the Alternative, Provide Adequate Protection under § 363(e) (the "Motion")** [ECF No. 23] of SREIT 4820 Indianapolis Drive, L.L.C. (the "Landlord"), and it appearing that due and proper has been given on all parties, and following a hearing on the Motion on June 10, 2021 (the "Hearing"), whereby all parties were given an opportunity to be heard, and upon due deliberation given:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

The Motion is GRANTED IN PART, as stated herein, with the remainder of the Motion to be considered at a subsequent time and date. The Motion is removed from the Court's calendar, but may be reset on the Court's calendar upon motion by the Landlord.

Pursuant to 11 U.S.C. §§ 365(d)(3) and 363(e), through June 29, 2021, the Landlord is entitled to receive either (i) timely payment for all Lease obligations coming due on and after the Petition Date, or (ii) adequate protection under 11 U.S.C. § 361 for all unpaid Lease obligations coming due on and after the Petition Date.

To satisfy the Lease obligations coming due and owing to the Landlord for the calendar months of July and August 2021, the Court instructs and orders Homegoods, Inc. (the "Subtenant") to timely direct, within a ten (10) day grace period, all rent payments due under the Sublease for the calendar months of July and August 2021 to the Landlord via the Landlord's attorney's trust account.

The Landlord is authorized to use the funds received from the Subtenant for the obligations due under the Lease on July 1, 2021, which amount to \$57,369.98, and on August 1, 2021, which amount to \$57,369.98. Any amounts paid by the Subtenant that exceed the obligations due under the Lease on July 1, 2021 or August 1, 2021, shall remain in the Landlord's attorney's trust account until: (i) the Court directs distribution of the same or (ii) the Landlord and Trustee agree, in writing, to distribution of the same.

At the Hearing, the Trustee represented that he would be filing a motion to reject the Lease and Sublease. The Trustee shall file such rejection motion on or before June 30, 2021.


Concurrently with the Motion, the Landlord also filed the Amended Emergency Motion for Relief from the Automatic Stay (the "Stay Motion") [ECF No. 25]. The Stay Motion is hereby removed from the Court's calendar, but may be reset on the Court's calendar upon motion by the Landlord.

**All capitalized, undefined terms herein shall have the meanings ascribed to such terms in the Motion.

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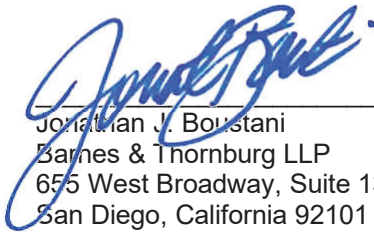
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Approved as to form:



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